

Received
3-26-01

PATENT
Docket No.: 19603/3296 (CRF D-2098B)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Bogdanove et al.

Serial No.: 09/596,784

Cnfrm No.: Unknown

Filed: June 19, 2000

For: HYPERSENSITIVE RESPONSE ELICITOR
FROM *ERWINIA AMYLOVORA*, ITS USE, AND
ENCODING GENE

Examiner:
P. Robinson

Art Unit:
1653

#7
KD
3-28-01

RESPONSE TO RESTRICTION REQUIREMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

In response to the March 8, 2001, written restriction requirement, applicants hereby elect Group I (i.e. claims 17-19 and 38-39) with traverse. Applicants submit that the claims of the present application are closely related and, therefore, require common areas of search and consideration. Since no benefit is derived from imposing this restriction requirement, it should be withdrawn either in its entirety or, at a minimum, with respect to Groups I-III.

Respectfully submitted,

Date: March 26, 2001



Edwin V. Merkel
Registration No. 40,087

Nixon Peabody LLP
Clinton Square, P.O. Box 31051
Rochester, New York 14603
Telephone: (716) 263-1128
Facsimile: (716) 263-1600

R477533.1